



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: B-224096
File: Professional Analysis, Inc.
Date: November 18, 1986

DIGEST

1. Protest that procuring agency failed to evaluate proposal in accord with criteria listed in the solicitation is without merit where the evaluation was consistent with the criteria and was based primarily on lack of information that offerors were instructed to include in their proposals.
2. Protest that agency misled an offeror regarding the status of the procurement and failed to cooperate in scheduling a debriefing is denied, since the procedural issues raised do not relate to the protester's competitive standing or to the validity of the protested award.

DECISION

Professional Analysis, Inc. (PAI) protests the award of a contract to Science Applications International Corporation under request for proposals (RFP) No. DE-RP09-86SR14070, issued by the Department of Energy, Savannah River Operations Office. The protester complains of a number of actions by the agency, including an alleged failure to evaluate PAI's proposal in accord with criteria listed in the solicitation.

We deny the protest.

The solicitation, issued on December 20, 1985, requested proposals to perform nuclear material control and accountability surveys of Department of Energy contractors. Specific tasks in the statement of work included review and evaluation of internal control systems and losses of nuclear materials, verification of compliance with agency directives, and tests of inventory quantities. The RFP stated that selection would be based upon the following categories of evaluation criteria, in descending order of importance: technical, business management, and cost. The technical evaluation criteria were (1) depth and combined experience of

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staff scientists, accountants and statisticians for similar work; (2) technical approach and understanding of requirements; (3) other pertinent experience; and (4) key personnel and survey team.

Four firms submitted proposals. Science Applications International received the highest possible technical score (1,000 points), while PAI ranked fourth (801 points). Both firms were rated "satisfactory" for business management criteria, and Science Applications International's evaluated price was the lowest, about 72 percent of PAI's evaluated price, which was third lowest. On July 3, the Department of Energy notified PAI that it intended to award a contract to Science Applications International without discussions. PAI sought a debriefing but had not received one when it protested to our Office on August 15.

EVALUATION OF PAI's PROPOSAL

The protester's proposal received significantly lower scores than Science Applications International's proposal in three areas. The largest disparity concerned "other pertinent experience" and is largely attributable to PAI's lack of corporate experience conducting surveys similar to those being procured. The protester argues that the RFP did not require such experience and that the agency should not have considered the firm's history of performing similar work. On the contrary, the RFP stated that "other pertinent experience" was "related experience in performing surveys of nuclear material control and accountability, analyzing nuclear material data and procedures, using sound statistical approach, and preparing reports of such surveys and analyses." Moreover, the instructions for preparation of technical proposals make clear that this "other pertinent experience" encompasses the firm's experience ("contracts performed by the offeror"), not the experience of staff, which is included in another technical evaluation criterion. Thus, in rating corporate experience, the Department of Energy properly considered experience gained under contracts for the specific types of work described in the RFP to be more valuable than other experience. We believe this was a reasonable approach and, when the solicitation is read as a whole, we find it consistent with the stated evaluation criterion. See Electronic Warfare Associates, B-224504, et al., Nov. 3, 1986, 86-2 CPD ¶ ____.

The protester also received a lower score than the proposed awardee for the criterion "key personnel and survey team," primarily because it failed to provide position descriptions for its staff. The protester claims that the criterion did not call for position descriptions for staff, and included

only two subcriteria: (1) qualifications of the team leader, principal team members and alternatives, and (2) the survey management plan.

In listing information that offerors were required to provide under this criterion, the instructions stated that proposals should include position descriptions for each proposed staff member as well as minimum qualifications for each position. While position descriptions were not listed as a separate subcriterion, we believe that evaluation of the role offerors intend their personnel to play in the performance of the work and the minimum standards under which additional personnel would be employed are inherent aspects of the stated evaluation criterion. Id.; see also SETAC, Inc., 62 Comp. Gen. 577 (1983), 83-2 CPD ¶ 121. Consequently, we believe that the agency's deduction of points for PAI's omission of position descriptions from its proposal was also reasonable.

The final significant disparity in the scores of PAI and the proposed awardee related to one subcriterion under "technical approach and understanding of requirements." This covered soundness of technical approach, and was defined as including procedures to be followed in providing timely deliverables and appropriateness of methodologies to be applied in conducting surveys. The major reason for PAI's lower score was its failure to address its proposed methods for the use of "wet chemistry" in measurement, for the reconciliation of inventories, and for internal quality assurance. Agency evaluators concluded that "wet chemistry" measurement methods are necessary to perform the work, and PAI does not question this judgment. PAI claims that it is familiar with "wet chemistry" measurement methods but that the firm did not mention them in the proposal because this was not required by the RFP.

Our review of the RFP shows that the instructions did not specify how the work was to be accomplished, but rather required offerors to describe the techniques and methodologies to be employed in performing required surveys. It is an offeror's obligation to establish that what it proposes will meet the governments needs, ASEA Inc., B-216886, Feb. 27, 1985, 85-1 CPD ¶ 247, and the Department of Energy could not credit PAI for information that the firm omitted from its proposal. We believe the agency reasonably lowered the firm's score because of its failure to discuss "wet chemistry" measurement methods. Further, the statement of work indicates that inventory reconciliation will be a major contract responsibility. PAI listed inventory reconciliation as a task in its proposal but did not discuss the subject.

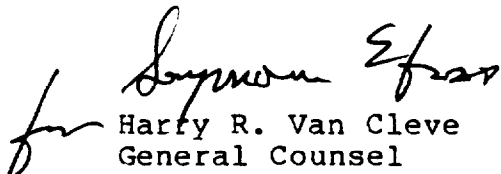
In addition, the RFP instructions specifically advised offerors to point out "controls to be used in inspecting and distributing reports and in detecting and minimizing human errors." We find that PAI did not discuss this subject in its proposal. Here, too, we find reasonable the agency's deduction of points for PAI's failure to discuss matters clearly called for by the solicitation when read as a whole. Thus, we deny PAI's protest that its proposal was not evaluated in accord with stated criteria.

PROCEDURAL IRREGULARITIES

The protester states that during the period of January through June 1986, it made regular telephone inquiries to ascertain the status of the procurement. According to the protester, contracting officials led the firm to believe that completion of the selection process was imminent, when actually there was no specified schedule for completion and substantial delays were occurring because of higher priority projects. PAI states that, as a result of Department of Energy misrepresentation, it unnecessarily incurred expense and effort to maintain a staff prepared to perform the contract. PAI also contends that the agency informed Science Applications International of its success many weeks before notifying PAI, and that the agency frustrated its effort to obtain a debriefing.

The agency offers a different description of its communications with PAI during and after evaluation of proposals. It is unnecessary for us to determine which factual account is the most likely, however, since the issues raised are procedural and do not relate to PAI's competitive standing in the procurement or to the validity of the agency's selection decision. See Nuclear Assurance Corp., B-216076, Jan. 24, 1985, 85-1 CPD ¶ 94; Emerson Electric Co., B-213382, Feb. 23, 1984, 84-1 CPD ¶ 233. We find that the agency's evaluation of proposals and selection of Science Applications International was proper, irrespective of what PAI may have been told of the timing of the process or the parties' ability to schedule a debriefing. We note that although the Department of Energy did not conduct a debriefing, the agency provided PAI with a statement that described the weaknesses in its proposal, and the firm had an opportunity to address the agency's views in this protest.

We deny the protest.


Harry R. Van Cleve
General Counsel